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FOR

CONTINUED EXAMINATION (RCE)
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|------------------------|--------------------|
| Application Number | 10/029,818 |
| Filing Date | 12/31/01 |
| First Named Inventor | Joyce Brett |
| Art Unit | 3677 |
| Examiner Name | Chop, Andrea Marie |
| Attorney Docket Number | P-3952-1 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

a. ☒ Previously submittedi. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on June 23, 2003
(Any unentered amendment(s) referred to above will be entered).ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____iii. ☐ Other _____b. ☐ Enclosedi. ☐ Amendment/Replyii. ☐ Affidavit(s)/Declaration(s)iii. ☐ Information Disclosure Statement (IDS)iv. ☐ Other _____

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____i. ☐ RCE fee required under 37 CFR 1.17(e)ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)iii. ☐ Other _____b. ☒ Check in the amount of \$ 355 enclosedc. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|-------------------|-----------------------------------|--------------|
| Name (Print/Type) | MYRON AMER | Registration No. (Attorney/Agent) | 18,650 |
| Signature | <i>Myron Amer</i> | Date | July 7, 2003 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

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| Name (Print/Type) | JoAnn Nickich | Date | July 7, 2003 |
| Signature | <i>JoAnn Nickich</i> | | |

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GROUP 360



P-3952-1

#15
Amended
JB
7/30/03IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: JOYCE BRETT
FOR: A BAND-AID APPLIED JEWELRY DISPLAY
SERIAL NO.: 10/029,818
FILED: December 31, 2001
EXAMINER: ANDREA CHOP, ART GROUP 3677

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

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GROUP 3600

Sir:

This is in reply to the Office Action of May 7, 2003 citing a new ground of rejection based on Vesey in view of Arginsky.

Please enter of record claim 1 amended in accordance with the instructions of the REVISED FORMAT either as distinguishing over Vesey or placing claim 1 in better condition for consideration on appeal.

Vesey is concerned with the treatment of wounds on children and, to this end, has to do with the application to lessen the apprehension children have to applied bandages, of decorating the bandage.


In contrast, applicant enhances the appearance of the user and has nothing to do with the treatment of wounds. It would be mere coincidence that applicant's decorated bandage would be applied over a wound. Stated somewhat differently, the site of use in Vesey is restricted to the site of a wound, most likely and in most instances, a scraped knee, and in applicant's use, it would be on a visible cheek or facial area, i.e., where a cosmetic is applied.

Serial No. 10/029,818
Examiner: Andrea Chop
Attorney Docket No: 3952-1

For the foregoing reasons, favorable reconsideration of this application is respectfully requested.

Respectfully,

MYRON AMER, P.C.
Attorney for Applicant

By: 
Myron Amer
Reg.No. 18,650

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Dated: June 19, 2003